



Cold Spring Harbor Laboratory

P.O. Box 100, 1 Bungtown Road
Cold Spring Harbor, New York 11724

May 9, 2008

BY FAX

Eric R. Hubbard, Esq.
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036

Re: Hammond/Hannon CSHL 010 Family of Patent Applications

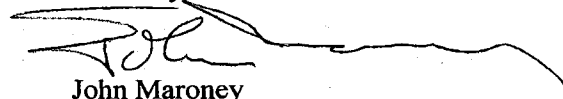
Dear Eric:

This shall confirm our telephone conversation of earlier today, in which we requested that Ropes & Gray ("R&G") provide to Cold Spring Harbor Laboratory ("CSHL"), as soon as possible, any information you know or have relating to Matt Vincent's copying of the Fire application that contradicts our understanding of events, which we have described in our earlier letters to R&G.

During our phone call this past Wednesday, you indicated that R&G does not agree with our interpretation of what Mr. Vincent did in prosecuting the Hannon P02 patent application (Ser. No. 09/866,557) and the preceding provisional application (Ser. No. 60/243097), as stated in the second paragraph of my May 2, 2008 letter. In view of our April 1st meeting with Jim Haley and Matt Vincent, who did not dispute any of this, we were surprised by what you said. Briefly, CSHL understands that in drafting the October 24, 2000 filed provisional application, Mr. Vincent was responsible for copying 12-13 pages from the published PCT Fire application (see WO 99/32619), without ever informing the Patent Office or CSHL that he did so, and for filing later applications, including the P02 application, that retained portions of the copied text. If what we understand is wrong, please tell us why.

The Patent Office has indicated that it considers the Fire application and at least a portion of the copied text to be relevant and material to the Hannon applications. For CSHL to continue prosecution of these applications, it is essential that we have all relevant facts and documents so that we can be forthright with and disclose accurate information to the Patent Office. This obviously includes any written material in your files, which we have already requested, and are entitled to have, relating in any way to the October 2000 provisional application and the Hannon P02 application. Further, if R&G knows of anything showing that Mr. Vincent was not responsible for copying the Fire application or that otherwise contradicts our understanding of what took place and impacts CSHL intellectual property, as your client we are also entitled to and request that information.

Sincerely,



John Maroney

cc: James Haley, Esq.
Douglass N. Ellis, Jr., Esq.
Roscoe Trimmier, Esq.

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END=MAY-09 21:04

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Date: 5/9/08

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TO: *Douglass Ellis, Jr. Esq.*
James Haley, Esq.
Eric Hubbard, Esq.
Roscoe Timmer, Esq.

^{Fax} Phone: 212 596-9090

Fax: 617-235-0026

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FROM: **John Maroney**
V.P., Office of Technology Transfer
Legal Counsel

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REMARKS: Urgent For your review Reply ASAP Please comment

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